



ATTORNEY DOCKET NO: 17396/9169

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Jawed Asrar <i>et al.</i>)	Examiner: Alton N. Pryor
)	
Serial No: 10/691,801)	Art Unit: 1616
)	
Filed: October 22, 2003)	Confirmation No.: 6674
)	
Title: Seed treatment with combinations of insecticides)	Deposit Account: 50-2548
)	

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is filed in response to the Office Action dated January 19, 2007, and is being deposited as First Class Mail. The response is believed to be timely with respect to the 30-day shortened statutory period for response that was set in the Action, and in view of the Petition for an Extension of Time of Two (2) Months and the appropriate fee therefor, which are enclosed herewith.

Subject to the traversal discussed below, the Applicant provisionally elects the claims of Group VI (drawn to a method for protecting a seed and/or shoots and foliage of a plant by treating the seed with a combination comprising a nitroguanidine and a biological/fermentation product). Claims that read on this combination include claims 42 – 47, 57, 68, 75 and 86.

With respect, the Applicant traverses the present restriction requirement for two reasons. The first reason is that the Office set forth an election of species requirement to which the Applicant responded substantially one year ago. The Office has noted that such election is maintained. The election at that time was to dinotefuran as the nitroguanidine and a biological/fermentation product as the other insecticide. It is believed that the present restriction requirement is unnecessary in view of the earlier election.

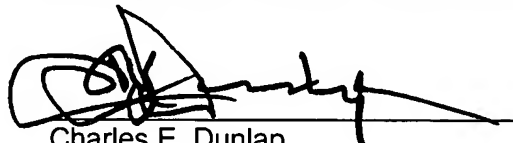
The present restriction requirement is also traversed on the ground that the search and examination of the full scope of the claims would not be a serious burden for the Office. The reasons why such a comprehensive search would not be a serious burden include the fact that all claims are (or should be) classified in the same class and in closely related subclasses. Accordingly, the search of the claims in all Groups would be limited to a single classification and thus would not be a significant burden.

It is noted that all Groups of claims except Group IV (drawn to a combination of nitroguanidine and a diacylhydrolase) are classified in Class 504. However, Group IV is classified in Class 514/subclasses 140, 149. Class 514 includes Drugs, Bio-Affecting, and Body-Treating Compositions. Subclass 140 includes phosphorous containing; (C)(R)P=X(-XC) containing, and subclass 149 includes Azoxy DOAI. Class 504, on the other hand, includes Plant protecting and regulating compositions. Consequently, it is believed that classification of the claims of Group IV in Class 514, rather than in Class 504, is misclassification of the subject matter and correction is respectfully requested. It is maintained that proper classification would indicate the closely related nature of the subject matter of claims 42 and 47, and would indicate that a search of the full scope of the claim would not be a serious burden. It is respectfully requested that the present restriction requirement be reconsidered and withdrawn.

The Applicant respectfully requests that search, examination, and allowance of the claims proceed.

Respectfully requested,

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March 23, 2007
Date